

1-10-18

1:00 pm

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

2018 FEB 15 PM 1:29

STEPHAN HARRIS, CLERK  
CHEYENNE

Jason H. Robinson (WSB No. 7-4845)  
BABCOCK SCOTT & BABCOCK, P.C.  
370 East South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: (801) 531-7000  
Facsimile: (801) 531-7060  
jason@babcockscott.com

Melissa A. Beutler (*pro hac vice*)  
BIG-D CONSTRUCTION CORP.  
404 South 400 West  
Salt Lake City, Utah 84111  
Telephone: (801) 415-6042  
melissa.beutler@big-d.com

*Attorneys for Plaintiffs*

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

---

THE UNITED STATES OF AMERICA,  
for the use and benefit of BIG-D  
CORPORATION, a Utah corporation;  
BIG-D CONSTRUCTION CORP., a Utah  
corporation; and BIG-D  
CORPORATION, a Wyoming  
corporation,

Plaintiffs,

vs.

RAFTER H CONSTRUCTION, LLC, an  
Idaho limited liability company;  
FIDELITY & DEPOSIT COMPANY OF  
MARYLAND, a Maryland corporation;  
and DOES 1-10,

Defendants.

ANSWER TO WRIT OF  
GARNISHMENT FOR BANK, SAVINGS  
AND LOAN, CREDIT UNION, ETC.

Case No. 16CV115-J

RAFTER H CONSTRUCTION, LLC, an  
Idaho limited liability company,

Counterclaimant,

v.

BIG-D CONSTRUCTION CORP., a Utah  
corporation; and BIG-D  
CORPORATION, a Wyoming  
corporation,

Counterdefendants.

RAFTER H CONSTRUCTION, LLC, an  
Idaho limited liability company,

Third-Party Plaintiff,

v.

BIG-D CONSTRUCTION CORP., a Utah  
corporation; Big-D CORPORATION, a  
Wyoming Corporation,

Third-Party Defendants.

I, the undersigned, as GARNISHEE, verify and declare that the following answers are true and correct.

**QUESTION # 1:** Does the judgment debtor, individually or jointly, with any other person or entity, have on deposit with you any money in a checking account, savings account, certificate of deposit, trust or in any other form or do you have in your possession, custody or control any stocks, bonds, securities, choses in action or other personal property belonging to the judgment debtor, or in which the judgment debtor has an interest?

ANSWER: YES X, NO \_\_\_\_\_. If you answer is yes, describe the nature of the same:

\$ 202,084.31

**QUESTION # 2:** As garnishee, you have the right to retain or deduct out of the property, effects or credits of the judgment debtor in your hands all demands, whether or not due, against the judgment creditor or judgment debtor which you could have availed yourself if you had not been served as garnishee. Are you, pursuant to Wyo. Stat. §1-15-417(1977, as amended), retaining or deducting any property, effects or credits of the judgment debtor in satisfaction of a claim you have against the judgment creditor or judgment debtor?

ANSWER: YES \_\_\_\_\_, NO X. If you answer is yes, describe the nature of the same:

If you have money in your possession in an amount up to the amount owed on the judgment, see paragraph 1. of the WRIT, you may pay the same to this Court and by doing so you are released from further action under the garnishment. Otherwise, an order of the Court will be issued giving you directions as to what is to happen to the judgment debtor's property in your possession or under your control.

Be sure to sign and date this form. You can personally deliver the answer to the Court or mail the answer to

UNITED STATES DISTRICT COURT OF WYOMING  
2120 Capitol Avenue  
Room 2131  
Cheyenne, WY 82001-3658

Copies your ANSWER should also be delivered to the following:

Jason H. Robinson  
BABCOCK SCOTT & BABCOCK, P.C.  
370 E. South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
*Attorneys for Plaintiffs*

Stephanie M. Renegold  
Richard C. Boardman  
Christine M. Salmi  
PERKINS COIE LLP  
1111 West Jefferson Street, Suite 500  
Boise, Idaho 83702-5391  
*Attorneys for Defendant*  
*Rafter H Construction, LLC*

Donald F. Carey  
Lindsey R. Romankiw  
CAREY PERKINS LLP  
980 Pier View Drive, Suite B.  
P.O. Box 51388  
Idaho Falls, Idaho 83402-4918  
*Attorneys for Defendant*  
*Fidelity & Deposit Company of Maryland*

DATED: 2/12/18

U.S. Bank  
Xy V.  
877-247-9468

\_\_\_\_\_  
Garnishee/Company Name

\_\_\_\_\_  
Signature

Amount enclosed, if any:  
\$ 202,084.31